

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Bolivar Emilio-Medina,

Movant,

Civil Case No. 19-cv-1455

v.

Criminal Case No. 2:16-cr-17

United States of America,

Judge Michael H. Watson

Respondent.

Magistrate Judge Kimberly A. Jolson

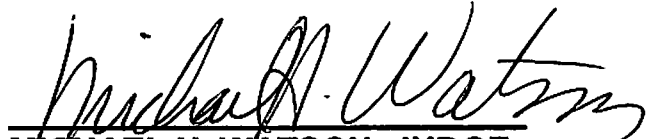
ORDER

On May 6, 2019, the Magistrate Judge issued a Report and Recommendation ("R&R"), ECF No. 453, recommending that Movant's motion to vacate, set aside, or correct sentence under § 2255, ECF No. 451, be denied without prejudice. Although the parties were explicitly advised of the right to object to the R&R, and of the consequences of failing to do so, no objections have been filed. The R&R is, therefore, **ADOPTED** and **AFFIRMED**. Petitioner's § 2255 motion is **DENIED without prejudice**. ECF No. 451.

Pursuant to Rule 11 of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court must also assess whether to issue a certificate of appealability. See *a/so* 28 U.S.C. § 2253(c)(1)(B). Petitioner has waived, however, the right to file an appeal by failing to file objections to the Magistrate Judge's R&R. See *Thomas v. Arn*, 474 U.S. 140, 147 (1985); *United*

States v. Walters, 638 F.2d 947, 950 (6th Cir. 1981). The Court therefore declines to issue a certificate of appealability.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT